

REMARKS

This Response is submitted in reply to the Office Action dated December 14, 2005. Claim 1 has been amended; claims 9 and 10 have been newly added; and claims 3, and 5-8 have been canceled without prejudice or disclaimer. No new matter is introduced by these amendments.


Of the pending claims, claims 1 and 9 are the sole independent claims. Claim 1 recites a communicating method; and claim 9 recites a transmitting apparatus. Applicants believe that the claimed invention as recited in claims 1 and 9 is distinguishable from the references (e.g., Willis (US6389453), Jabbaraezhad (US6493538), and Iizuka (US5699521), even if properly combinable, cited in the alleged obviousness rejection. For example, nowhere do the references disclose or suggest the capsulation of the IP header and path control information of the first packet as a path control packet for transmission of a second packet by the first receiver and subsequent decapsulation of the second packet as recited, in part, by claims 1 and 9.

At a minimum, Willis fails to provide allowing the first receiver to transmit a second packet obtained by capsulating the first packet as admitted by the Patent Office. See, Office Action, page 2. Further, neither Willis nor Jabbaraezhad teach a MAC header is added to the head, and IP header is subsequently added, and the path control information is located after the IP header as further admitted by the Patent Office. See, Office Action, page 3. Moreover, Iizuka fails to provide for the capsulation of an IP header and path control information, but rather, fragments a packet thereby sending one resulting fragment with data, absent a TCP/UDP header. See, Iizuka, Fig. 9. Clearly, this contrasts the claimed invention as further supported in Fig. 3 of Applicants' specification. Therefore, Applicants believe that the claimed invention is distinguishable over the cited art, even if properly combinable, and thus respectfully request that the obviousness rejection be withdrawn for at least these reasons.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BY



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